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PATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group  
Art Unit: 1713

Attorney  
Docket No.: 121051-0004

Applicant: Timothy J. Johnson, et al.

Invention: SURFACE CHARGE MODIFICATION  
WITHIN PREFORMED POLYMER  
MICROCHANNELS WITH MULTIPLE  
APPLICATIONS INCLUDING  
MODULATING ELECTROSMOTIC  
FLOW AND CREATING MICROARRAYS

Serial No: 09/905,566

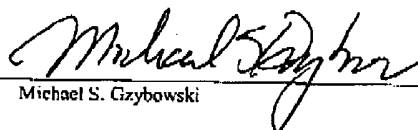
Filed: July 13, 2001

Examiner: Ling Choi

Certificate Under 37 CFR 1.8(b)

I hereby certify that this correspondence is being  
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Office via facsimile transmission on the date indicated  
below.

on August 2, 2004

  
Michael S. GzybowskiRESPONSE TO RESPRICION REQUIREMENT

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed July 1, 2004 in connection with the above-identified application, applicants submit the following:

In the Restriction Requirement the Examiner took the position that the application included claims directed to three different inventions, including claims 1-10 (Group I) directed to a method of modifying fluid flow in a channel, claims 11-18 (Group II) directed to a method of immobilizing a chemical species in a channel, and claims 19-24 (Group III) directed to an improvement in a microfluidic system.

The Examiner has taken the position that the three inventions are distinct from each other for the reasons set forth on pages 2 and 3 of the Restriction Requirement.

In response to the Restriction Requirement, applicants hereby elect to have claims 1-10 (Group I) examined in the present application.

Applicants reserve their right to seek parent protection for the inventive subject matter of non-elected claims 11-24 by filing one or more divisional applications during the pendency of the present application.

Applicants' election is made *with traverse* on the grounds that independent claim 11 includes the limitations of independent claim 1 with the added step of applying a chemical species to the exposed portion of the channel. Thus, if applicants were to elect to have claims 11-18 examined, the Examiner would have to examine the limitations of independent claim 1. In such an instance, the basis for restriction would fail, indicating that the inventions of Groups I and II are sufficiently related for purposes of examination and therefore restriction is improper.

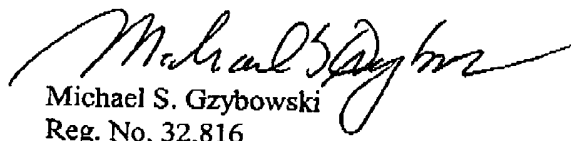
Similarly, independent claim 19 merely adds the limitation that the substrate of independent claim 1 comprises a microfluidic system. Surely the Examiner would have to search microfluidic systems while searching and examining independent claim 1. Otherwise a reference in the microfluidic art that includes a channel that has been surface modified by exposure to light would be overlooked.

It seems that in actuality the inventions are sufficiently related to one another and the searches required for the different inventions are co-extensive. Accordingly, it is submitted that there would be no burden on the Examiner to examine all the pending claims in a single application.

Therefore, the Examiner is requested to reconsider and withdraw the Restriction Requirement and examine all the pending claims in the present application.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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